

**MEMO ENDORSED****R. KUNSTADT, P.C.**875 Sixth Avenue, Suite 1800, New York, NY 10001  
Phone 212-398-8881 Fax 212-398-2922

Our Ref: 4929-040-999.1

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June 12, 2008 - By Fax (212 805-7912)

Honorable John G. Koeltl  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

JUN 13 2008

***Re: Born To Rock Design Incorporated v. BigTime TV Limited (Civil Action No. 07-6193 (JGK) (THK))***

Dear Judge Koeltl:

We represent Plaintiff Born To Rock Design Incorporated.

Pursuant to the Court's Order signed March 18, 2008, Plaintiff hereby applies for restoration of the action to the active calendar of the Court. This request is timely since the current deadline to apply for restoration is **JUNE 18, 2008**.

The Court discontinued this action based on the parties' report that settlement had been reached in principle between Plaintiff and Defendant's U.K. liquidator Mr. Appleton. That report was made on the assumption that Mr. Appleton was empowered to settle the action. Plaintiff provided a draft settlement agreement (reflecting agreed settlement terms) to Defendant on April 3, 2008.

The initial deadline April 17, 2008 to apply for restoration has been twice extended but Plaintiff is still waiting to hear from Defendant about the draft settlement provided to Defendant.

On May 30<sup>th</sup>, Plaintiff wrote to Defendant's attorney Greg Gulia, Esq. to inquire about prospects to finalize the draft settlement. On June 3, 2008, Mr. Gulia told Mr. Kunstadt by phone that he was going to check. Plaintiff has not heard from Defendant since that conversation.

Hence, Plaintiff respectfully requests the Court to restore this action to the active calendar of the Court so the case may proceed.

*This Case is restored to the Calendar.  
The Parties shall appear for a Conference  
on June 24, 2008 at 4:30 P.M.*

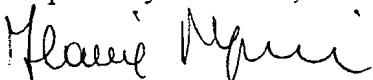
*6/13/08 8:00 ordered  
by Greg G. Koeltl  
as per D.P.*

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06/12/08  
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The present status is that a date needs to be set for a pretrial conference. Plaintiff already filed and served its Report and Discovery Plan Pursuant to Rule 26(f) on January 17, 2008. Plaintiff respectfully requests that at the pretrial conference the Court enter the Protective Order and the case and discovery schedule submitted in Plaintiff's Discovery Plan.

We thank the Court for its continued assistance in this matter.

Respectfully submitted,



Ilaria Maggioni (IM-7220)  
Attorney for Plaintiff

Cc: Gregory Gulia, Esq. (Attorney for Defendant - by fax) (212 692-1020)  
Vanessa Hew, Esq. (Attorney for Defendant - by fax) (212 692-1020)  
Robert M. Kunstadt, Esq.